

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Rachael Anne Baxter
fka Rachel Anne McCune
Debtor(s)

Bankruptcy Case No.: 18-23183-CMB
Issued Per June 27, 2019 Proceeding
Chapter: 13
Docket No.: 74 – 37, 46
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 26, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
Sales proceeds are dedicated to Plan funding.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

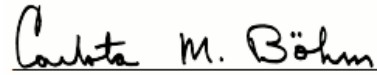
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 5, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Rachael Anne Baxter
 Debtor

Case No. 18-23183-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 34

Date Rcvd: Jul 05, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 07, 2019.

db +Rachael Anne Baxter, 75 Allen Drive, Donora, PA 15033-1402
 r Walter D. MacFann, Northwood Realty, 236b California Avenue, Brownsville, PA 15417
 14894921 +Beth Baxter, 418 5th Street, California, PA 15419-1149
 14894923 +Cavalry Portfolio Services/ Capital One, Attn: Bankruptcy Department,
 500 Summit Lake Ste 400, Valhalla, NY 10595-2321
 14894924 +Cavalry Portfolio Services/ Synchrony Ba, Attn: Bankruptcy Department,
 500 Summit Lake Ste 400, Valhalla, NY 10595-2321
 14894925 +Chase Card Services, Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 14894926 +Discover Bank, c/o Weltman Weinberg & Reis, 436 7th Ave., Suite 2500,
 Pittsburgh, PA 15219-1842
 14894928 +Fayette Co Tax Claim Bureau, 61 East Main Street, Uniontown, PA 15401-3514
 14894931 +Med Express, P.O. Box 636536, Cincinnati, OH 45263-6536
 14894932 +Monongahela Valley Hospital, 1163 Country Club Road, Monongahela, PA 15063-1095
 14894933 +PA Dept of Revenue, 11 Parkway Ctr, #175, Pittsburgh, PA 15220-3623
 15016438 +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 14894934 +Pnc Mortgage, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5433
 14894937 +Prakorb Medical Associates, 129 Simpson Road, # 108, Brownsville, PA 15417-9689
 14894938 +Sparton Health, 100 Stoops Drive, Monongahela, PA 15063-3553
 14894939 +Target, Po Box 673, Minneapolis, MN 55440-0673
 14894941 +Zebbley Mehalov & White, 18 Mill Street Square, Uniontown, PA 15401-3214

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14900407 E-mail/Text: ally@ebn.phinsolutions.com Jul 06 2019 00:00:02 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 14894920 +E-mail/Text: ally@ebn.phinsolutions.com Jul 06 2019 00:00:02 Ally Financial,
 Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901
 14894922 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 06 2019 00:13:10 Capital One,
 Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14897137 +E-mail/Text: bankruptcy@capvs.com Jul 06 2019 00:00:46 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14898671 E-mail/Text: mrdiscen@discover.com Jul 06 2019 00:00:02 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14894927 +E-mail/Text: mrdiscen@discover.com Jul 06 2019 00:00:02 Discover Financial, Po Box 3025,
 New Albany, OH 43054-3025
 14894929 E-mail/Text: cio.bncmail@irs.gov Jul 06 2019 00:00:10 Internal Revenue Service,
 1000 Liberty Avenue, Pittsburgh, PA 15222
 14894930 +E-mail/PDF: gecsed@recoverycorp.com Jul 06 2019 00:13:07 Lowes, P.O. Box 530914,
 Atlanta, GA 30353-0914
 14926210 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 06 2019 00:13:49
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14896014 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 06 2019 00:13:49
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14898774 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jul 06 2019 00:00:26
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 14894935 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 06 2019 00:24:28
 Portfolio Recovery / CIT Online Bank, Po Box 41021, Norfolk, VA 23541-1021
 14894936 +E-mail/PDF: gecsed@recoverycorp.com Jul 06 2019 00:13:07
 Portfolio Recovery / Synchrony Bank, Po Box 41021, Norfolk, VA 23541-1021
 14933580 +E-mail/Text: bncmail@w-legal.com Jul 06 2019 00:00:42 SYNCHRONY BANK,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 14933582 +E-mail/Text: bncmail@w-legal.com Jul 06 2019 00:00:42 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14894940 +E-mail/Text: bankruptcy@firstenergycorp.com Jul 06 2019 00:00:38 West Penn Power,
 P.O. Box 3687, Akron, OH 44309-3687
 14921250 +E-mail/Text: bankruptcy@firstenergycorp.com Jul 06 2019 00:00:38 West Penn Power,
 5001 NASA Blvd, Fairmont, WV 26554-8248

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK NATIONAL ASSOCIATIONPNC BANK NATIONAL A
 cr* +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 34

Date Rcvd: Jul 05, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 07, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 5, 2019 at the address(es) listed below:

David A. Rice on behalf of Debtor Rachael Anne Baxter ricelaw1@verizon.net,
lowdenscott@gmail.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATIONPNC BANK NATIONAL
ASSOCIATION bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Scott R. Lowden on behalf of Debtor Rachael Anne Baxter niclowlgl@comcast.net

TOTAL: 5